

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

MICHAEL COREY JENKINS and
EDDIE TERRELL PARKER

PLAINTIFFS

V.

CIVIL ACTION NO. 3:23-CV-374-DPJ-ASH

RANKIN COUNTY, MISSISSIPPI, ET AL.

DEFENDANTS

ORDER

This matter is before the Court on Plaintiffs Michael Corey Jenkins and Eddie Terrell Parker's Motion for Leave to Depose Brett McAlpin [103] under Federal Rule of Civil Procedure 30(a)(2)(B). The motion is unopposed.

Federal Rule of Civil Procedure 30(a)(2)(B) states that "[a] party must obtain leave of court, and the court must grant leave to the extent consistent with Rule 26(b)(1) and (2) . . . if the deponent is confined in prison." Fed. R. Civ. P. 30(a)(2)(B). Brett McAlpin, an individual identified by Plaintiffs as relevant to Defendant Sheriff Bryan Bailey's qualified immunity defense, is currently incarcerated at the Federal Correctional Institution (FCI) McDowell in Welch, West Virginia. Mot. [103] ¶ 1. The request to depose McAlpin does not exceed the scope or limitations on discovery contemplated in Federal Rule of Civil Procedure 26(b)(1) and (2). The Court therefore finds that Plaintiffs' motion should be granted.

Accordingly, the deposition shall proceed on terms agreeable to the correctional facility. Plaintiffs shall serve a copy of this Order on the Bureau of Prisons. This order does not relieve Plaintiffs of the obligation to properly notice the date, time, and method of recording the deposition as required by Federal Rule of Civil Procedure 30.

SO ORDERED AND ADJUDGED this the 11th day of February, 2025.

s/ Andrew S. Harris
UNITED STATES MAGISTRATE JUDGE